

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Index No. 1:24-CV-05823-JLR

MATTHEW NIXON and PETER FLEMING, on behalf of themselves and all others
similarly situated

Plaintiff(s) Petitioner(s)

08/01/2024

Calendar No.

against

~ AFFIDAVIT
OF
SERVICE

POND5, INC.

Defendant(s) Respondent(s)

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 08/02/2024

at 3:05 PM .M., at C/O CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, WILMINGTON, DE 19808

deponent served the within

- ☐ summons and complaint
☐ subpoena duces tecum
☐ citation

☒ SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET;

on

☒ defendant ☐ witness hereinafter called therein
☐ respondent the recipient lamed

POND5, INC.

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☒

a DELAWARE corporation, by delivering thereat a true copy of each to LYNANNE GARES
 personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be MANAGING AGENT EMPLOYED AT REGISTERED AGENT thereof

SUITABLE
AGE PERSON3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.
 by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

AFFIXING TO
DOOR, ETC.4. ☐MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐

Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there.
 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.
 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

☒

☐ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☒ Female ☐ Black Skin ☒ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100- 130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Beard ☒ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. [- I Over 6' ☐ Over 200 Lbs.

☐

Other identifying features:

WITNESS
FEES☐

\$ the authorizing traveling expenses ☐ was paid (tendered) to the recipient
 and one days' witness fee: ☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 08/02/2024

KEVIN DUNN
 NOTARY PUBLIC
 STATE OF DELAWARE
 My Commission Expires on July 26, 2026

License No.

GILBERT DEL VALLE
 BRANDYWINE PROCESS SERVERS, LTD., PO
 BOX 1360, WILMINGTON, DE 19899